

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

BARTHOLOMEW GRANGER,	§	
	§	
Petitioner,	§	No. 1:17-cv-00291-RC
	§	
v.	§	THIS IS A CAPITAL CASE
	§	
LORIE DAVIS, Director	§	
Texas Department of Criminal Justice	§	
Correctional Institutions Division,	§	
	§	
Respondent.	§	

**PETITIONER’S UNOPPOSED MOTION FOR
LEAVE TO FILE AN OVER-LENGTH
SECOND AMENDED PETITION
FOR WRIT OF HABEAS CORPUS**

Petitioner, Bartholomew Granger, through undersigned counsel, respectfully moves for leave to file a Second Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 in excess of the page limit established by the Local Rules of the Eastern District of Texas, Rule CV-3(b). The State does oppose this motion. In support thereof, Mr. Granger states the following:

On May 14, 2018, the Court granted the parties leave to file an Initial Petition and Answer up to 150 pages in length. *See* ECF No. 13. Petitioner's Initial Petition for Writ of Habeas Corpus was 147 pages in length. *See* ECF No. 11.

On December 26, 2018, the Court granted Petitioner leave to file an Amended Petition that was 155 pages in length. ECF Nos. 21. Petitioner filed his Amended Petition (ECF No. 20) and shortly thereafter a motion to stay and hold in abeyance his case in federal court, so he could return to state court to exhaust previously unexhausted claims (ECF No. 22). On September 23, 2019, this Court granted Petitioner's motion, administratively stayed the case, and ordered Petitioner to file an advisory with the Court within forty-five days of the conclusion of state court proceedings. ECF No. 34.

On February 26, 2020, the Texas Court of Criminal Appeals dismissed Petitioner's subsequent state application for writ of habeas corpus. *See Ex Parte Granger*, No. WR-83,135-02, 2020 WL 915434 (Tex. Crim. App. Feb. 26, 2020) (unpublished). On March 23, 2020, Petitioner advised the Court of that dismissal (ECF No. 38) and subsequently requested the stay be lifted (ECF No. 39). On April 20, 2020, this Court returned Petitioner's case to the active docket and issued an order allowing Petitioner to file a Second Amended Petition for Writ of Habeas Corpus on or before June 26, 2020. Following two thirty-day continuance requests,

Petitioner now files his Second Amended Petition, along with this request for an enlargement of the page limitation.

Petitioner now seeks leave from this Court to file an Amended Petition for Writ of Habeas Corpus 165 pages in length. Thus, Petitioner respectfully requests an extension of ten pages, from the Court's previous order allowing him to file an Amended Petition that was 155 pages in length.

Since filing Petitioner's Amended Petition, undersigned counsel has returned to state court to exhaust previously unexhausted claims, the Texas Court of Criminal Appeals has issued an opinion addressing these claims, and the United States Supreme Court has issued two opinions that are relevant to Petitioner's claims. Petitioner seeks an enlargement of the page limit to ensure he can fully inform the Court of the merits of Petitioner's claims for relief, address the CCA's dismissal of his previously unexhausted claims, and incorporate these new developments in the law.

Undersigned counsel has discussed this request with counsel for Respondents, who have indicated they are not opposed.

WHEREFORE, Mr. Granger respectfully requests that this Court grant him permission to file an over-length Second Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 that will not exceed one hundred 165 pages in length.

Respectfully submitted,

/s/ Peter Walker

PETER WALKER

Asst. Federal Defender

Federal Community Defender Office
for the Eastern District of Pa.

The Curtis – Suite 545 West

601 Walnut Street

Philadelphia, PA 19106

(215) 928-0520

Peter_Walker@fd.org

TX Bar #24075445

PA State Bar #315693

Dated: August 26, 2020

CERTIFICATE OF CONFERENCE

I hereby certify that I have conferred with counsel for Respondent, Assistant Attorney General Gwendolyn S. Vindell, who indicated she does not oppose this motion.

/s/ Peter Walker
Peter Walker

Dated: August 26, 2020

CERTIFICATE OF SERVICE

I, Peter Walker, hereby certify that on this 26th day of August 2020, I served the foregoing on the following person via the Electronic Case Filing System:

Gwendolyn S. Vindell
Assistant Attorney General
Office of the Attorney General
Criminal Appeals Division
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548

/s/ Peter Walker
Peter Walker

Dated: August 26, 2020